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PAVEL IVANOVICH LAZARENKO

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

United States of America,

Plaintiff,

vs.

Pavel Ivanovich Lazarenko,

Defendant.

Case No. 3:00-cr-00284-CRB-1

Date:

Time:

Place:

Judge: Hon. Charles R. Breyer

DECLARATION OF WILLIAM H. STASSEN

My name is William H. Stassen. I am over 18 years of age and competent to testify herein. I declare as follows:

1. I have personal knowledge of the matters set forth herein. I am a partner at Fox Rothschild LLP. I am one of the attorneys who represents Mr. Lazarenko in his civil forfeiture lawsuit. I am submitting this declaration in support of the Opposition to the Government's motion to dismiss and the cross-motion to the ancillary petition filed by Blank Rome LLP, Fox Rothschild LLP, the law offices of Dan Horowitz and the law offices of David B. Smith PLLC.
2. Exhibit H is a summary of Fox Rothschild's billing records. The summary is drawn from monthly bills issued by Fox Rothschild. Each monthly bill constitutes a business record of Fox Rothschild because
 - a. Each bill is prepared contemporaneously with the date listed on the respective bill;

- b. The underlying data contained in each bill is entered into a computer system by a person with knowledge of the data entry (e.g., I submit an invoice for an expense that I incurred in furtherance of my representation) and said data is also entered contemporaneously. The date is maintained on the system and included in the subsequent month's bill;
 - c. It is the regular practice of Fox Rothschild to collect this information. Fox Rothschild issues monthly bills that contain information about its costs.
- 3. Exhibit H is a report of all of the costs billed in the matter 163221-00001, which is the matter number assigned to Pavel Lazarenko's representation at Fox Rothschild. This document is a business record of Fox Rothschild because it consists of the data discussed above. The document lists all of the costs billed from August 4, 2016 until August 31, 2021.
- 4. Each month a bill is issued that lists the costs incurred during the prior month. For example, the data contained on the July 2021 entry would have been billed to Mr. Lazarenko in August 2021.
- 5. Attached as Exhibit I to this declaration is a report that shows the amount that was billed each month. Unlike Blank Rome's reports which are attached to Jed Silversmith's declaration, any time that was written off was written off before a bill was issued.
- 6. Production of the underlying billing records themselves would be burdensome. Each bill contains dozens, if not hundreds, of time entries describing activity undertaken by Fox Rothschild attorneys. Disclosure of this information would reveal privileged information. Likewise each bill contains an itemization of costs. Disclosure of Fox Rothschild's costs would prejudice Mr. Lazarenko in the ongoing civil forfeiture litigation. The information is confidential and not relevant to the amounts owed.
- 7. At an ancillary hearing, an employee of Fox Rothschild would testify that monthly bills have been sent to Pavel Lazarenko every month since the inception of the firm's representation. That employee would further testify that neither Pavel Lazarenko nor Kateryna Lazarenko (nor anyone else) has objected to Fox Rothschild's costs since the inception of the representation.

8. Unbilled costs. Fox Rothschild has unbilled costs in the amount of \$103,776.96. These were costs that the firm incurred before the year 2021 and is contractually liable for, although they have not been billed to Mr. Lazarenko yet. These costs are

Kostenaletz & Fink	\$92,381.62
Ashton Barnes & Tee	\$8,845.34 (£6,503.93)
New Square Chambers	\$2,550.00 (£1,875.00)

The latter two costs were billed in British pounds, but the current exchange rate is \$1.36 per British pound. Mr. Lazarenko has reviewed the work product from Kostenaletz & Fink and is aware that those costs were incurred on his behalf. He is also aware that the firm has engaged Ashton Barnes & Tee as well as New Square Chambers and has approved other expenses from those firms. Attached as Exhibit J is evidence that these amounts are owed.

I declare under penalty of perjury that the foregoing is true and correct. This 20th day of January 2022 in Philadelphia, Pennsylvania.


William H. Stassen